



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.22226 of 2016

and

Crl.MP(MD) No.11514 of 2016

WEB COPY

1.Prince Anantharaj,
2.Gnanadeepam,
3.Joseph Gnanaraj,
4.Jacob Suresh,
5.Thavasi Pazham Samuelraj,
6.Selvarani,
7.Anbu,
8.Jothi

... Petitioner
/Accused 1 & 8

-Vs-

1. State rep. by,
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(In Crime No.60 of 2013)... 1st Respondent
/Complainant

2. Baby Florence Debora ... 2nd Respondent
/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to F.I.R. Dated 10.03.2013 and alteration report dated 02.09.2016 in Crime No.60 of 2013 on the file of the first respondent police and quash the same as illegal.

For Petitioners	:	Mr.V.Rajiv Rufus
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	:	Mr.M.P.Senthil

ORDER

This Criminal Original petition has been filed to call for the records pertaining to First Information Report, dated 10.03.2013 and alteration report dated 02.09.2016 in Crime No.60 of 2013 on the file of the first respondent police and quash the same as illegal.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the first respondent.

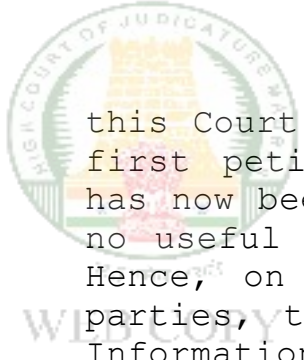
3. On the basis of complaint lodged by the second respondent / defacto complainant, a case was registered in Crime No.60 of 2013, on the file of the first respondent, for the offences under Sections 294 (b), 323, 506(1), 498(A) of IPC and Section 4 of Tamil Nadu Prevention of Women from Harassment Act, 2002, and the offences were altered vide alteration report dated 02.09.2016 in Crime No.60 of 2013. Subsequent to the alteration report, it is stated that the first petitioner and the second respondent / defacto complainant have entered into compromise. The first petitioner and the second respondent got married on 17.01.2013 and due to differences of opinion, they were unable to lead a peaceful life and got separated within a short period from the date of marriage and they were living separately.

4. The defacto complainant lodged a complaint and the case was registered as above. However it appears that the first petitioner and the second respondent, amicably settled their dispute by getting a divorce. The first petitioner has admitted to pay a sum of Rs.3,50,000/- (Rupees Three lakhs and fifty thousand only) to the defacto complainant towards full and final settlement. The second respondent / defacto complainant has agreed that she has no further claim from the petitioner and further need not to file any complaint or criminal proceedings and also admitted that the complaint was purely due to the matrimonial disputes. As per the Joint Compromise Memo, dated 17.07.2017, sum of Rs.3,55,000/-, by way of Demand Draft, dated 27.06.2017, drawn in favour of Tamilnadu Merchantile Bank, has to be given to the defacto complainant, in terms of the above said settlement.

5. Today, the parties appeared before this Court and informed that based on the settlement entered into between them, they have signed the Joint Compromise Memo dated 17.07.2017, on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Government Advocate(Criminal side) through the first respondent police.

6. As agreed by the petitioner, the learned counsel for the petitioner has handed over the Demand Draft, for a sum of Rs.3,50,000/- (Rupees Three laksh fifty thousand only) in terms of the Joint Compromise Memo. The parties also agreed that the criminal case shall not be proceeded further and the second respondent has agreed to withdraw the criminal case in Crime No.60

7. Having regard to the Joint Compromise Memo, filed before



this Court and the entire money which was agreed to be paid by the first petitioner to the second respondent / defacto complainant has now been paid and acknowledged, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint compromise memo signed by the parties, the Criminal Original Petition is allowed and the First Information Report dated 10.03.2013 and alteration report dated 02.09.2016 in Crime No.60 of 2013, on the file of the first respondent is quashed in toto and the Joint Compromise Memo signed by the parties shall form part of the order.

8. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

+1cc to Mr.V.Rajiv Rufus,Advocate,SR.66731

+1cc to Mr.M.P.Senthil,Advocate,SR.67064

Cr1.O.P.(MD) No.22226 of 2016
20.07.2017

CMR

KK/KP/SAR 2/01.08.2017/ 3P-4C/